

Claims 34-36 (cancelled)

Claim 37 (previously presented) The device according to claim 24, wherein the glue dispenser applies the amount of glue to the object engaged by the carrier during the standstill of the affixing means.

REMARKS

Claims 19-21, 23-29, 31-33 and 37 remain in this application. Claims 1-18, 22, 30, and 34-36 have been cancelled in previous amendments. No new subject matter is believed to have been added by this amendment.

In Section No. 4 of the Office Action the Examiner rejects claims 19-21, 23-29, 31-33 and 37 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, with respect to claim 19 the Examiner indicates that the present specification does not have support for “a holder for holding a stock of objects, wherein each object may have a different thickness.” Claim 19 has been amended to eliminate this limitation. For that reason this objection is now believed to be moot.

In Section No. 6 of the Office Action the Examiner rejects claim 19 under 35 U.C.S. § 102(b) as being anticipated by the teaching of U.S Patent No. 2,887,022 to Lubersky et al. (the Lubersky patent).

The Lubersky patent is directed to a machine for setting up cartons having, as illustrated in Figure, 1 a stationary holder 15 for a stock of objects 16 and an affixing means 11 comprising at least one suction nozzle 12 on a carrier 14 for removing one of the objects 16 from the holder 15 and moving the object 16. The affixing means 11 is capable of being driven intermittently between rotation and standstill wherein during standstill of the affixing means 11 the carrier is positioned in alignment with object 16 in a holder 15. Furthermore the affixing means 11 is moveable in a radial direction for attaching the at least one suction nozzle 12 to the object 16 and for removing the object 16 from the holder 15. The at least one suction nozzle 12 of the carrier 14 directly faces the object 16 within the holder 15.

Claim 19 has been amended to specify means for moving said products along a path wherein the path extends such that it tangentially approaches a rotational path of the affixing means in a position substantially centrally between the position of two carriers during standstill. Claim 19 has been further amended to specify a means for synchronous movement of the affixing means and the products, such that during rotary movement of the affixing means the speed of movement of the object is substantially equal to the speed of movement of the product. This feature is supported on page 4, lines 29-31; page 5, lines 10-13 and on page 9, lines 16-22 of the specification. As a result the affixing means is capable of affixing the object to a moving product during rotary movement of the affixing means.

Claim 19 as amended distinguishes from the teaching of the Lubersky patent in that, first of all, the Lubersky patent does not teach a device for affixing objects by synchronized movement to products moving in a row and does not show the means for moving said products along a path as found in amended claim 19. The purpose of the apparatus in the Lubersky patent is to produce boxes and such technology is so remote from depositing labels upon objects that the applicants believe that a person skilled in the art would not be predisposed to consider the teaching of the Lubersky patent to arrive at the subject invention. For that reason the applicant believes that claim 19 as amended is patentable over the teaching of the Lubersky patent.

In Section No. 8 of the Office Action the Examiner rejects claims 19, 20 and 23 under 35 U.S.C. §102(b) as being anticipated by the teaching of U.S. Patent No. 5,256,365 to Gordon et al. (the Gordon patent). The Gordon patent is directed to an in-mold labeling method which, as explained in the second paragraph of Section No. 8 on page 5 of the Office Action, utilizes similar features to those found in claim 19. However, as illustrated in Figure 10, the label transfer head 64 in the Gordon patent is extended to retrieve a label from a magazine 46 and then is retracted for other operations performed by the head 44. The Gordon patent teaches that the objects (labels) are released in the mold cavities during standstill and therefore the rotary blow mold device must be also intermittently driven as stated in column 4, lines 22-41 of the Gordon patent.

Overall, one goal of the apparatus as found in amended claim 19 is to remove an object from the holder by a radial movement of the affixing means during standstill and subsequently affixing the object to a product during rotation of the carrier. In particular, objects may be securely removed from inside a holder by the rotary affixing means with a suction nozzle while at the same time the means for moving the products can keep moving continuously as the affixing means apply the objects to said products. This invention for the first time solves this problem in a technical field that is quite old and thoroughly engineered. It is for this reason the features of amended claim 19 are not believed to be obvious. By way of their dependence upon what is believed to be patentably distinct independent claim 19, claims 20 and 23 are themselves believed to be patentably distinct over the teaching of the Gordon patent.

In Section No. 10 of the Office Action the Examiner rejects claims 21, 28, 29 and 31-33 under 35 U.S.C. §103(a) as being obvious from the teaching of the Lubersky patent. By way of their dependence either directly or indirectly, upon what is believed to be patentably distinct independent claim 19, claims 21, 28, 29 31-33 are themselves believed to be patentably distinct over the teaching of the Lubersky patent.

In Section No. 11 the Examiner rejects claims 24 and 37 under 35 U.S.C. §103(a) as being obvious from the teaching of the Lubersky patent in view of the teaching of U.S. Patent No. 5,104,369 to Calvert and further in view of the teaching of U.S. Patent No. 4,302,277 to Islemann. By way of their dependence upon what is believed to be patentably distinct independent claim 19, claims 24 and 37 are themselves believed to be patentably distinct.

In Section No. 12 of the Office Action the Examiner rejects claim 25 under 35 U.S.C. §103(a) as being obvious from the teaching of the Lubersky patent in view of the teaching of U.S. Patent No. 5,431,274 to Schaupp. By way of its dependence upon what is believed to be patentably distinct independent claim 19, dependent claim 25 is itself believed to be patentably distinct over the prior art of record.

In Section No. 13 claim 26 is rejected under 35 U.S.C. §103(a) as being obvious from the teaching of the Lubersky patent in view of the teaching of U.S. Patent No. 5,102,485 to Keeler et al. In Section No. 14 claim 27 is rejected under 35 U.S.C. §103(a) as

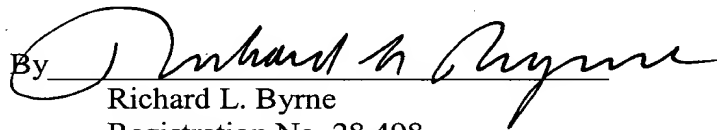
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being obvious from the teaching of the Lubersky patent in view of the teaching of U.S. Patent No. 4,025,385 to Wood. In Section No. 15 claims 24 and 37 are rejected under 35 U.S.C. §103(a) as being obvious from the teaching of the Gordon patent in view of the teaching of the Islemann patent. In Section No. 16 claim 25 is rejected under 35 U.S.C. §103(a) as being obvious from the teaching of the Gordon patent in view of the teaching of the Schaupp patent. Each of these claims depends either directly or indirectly from independent claim 19, which is believed to be patentably distinct over the prior art of record, and by way of their dependence upon claim 19 are themselves believed to be patentably distinct over the prior art of record.

Reconsideration and allowance of pending claims 19-21, 23-29, 31-33 and 37 are respectfully requested.

Respectfully submitted,

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